

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MADELYN ASISI-NAMINI
BORSU ASISI-NAMINI,

Plaintiffs,

-vs-

Case No.: 2:24-cv-12699
Hon. Mark A. Goldsmith

HANSEN PROPERTIES,
a foreign corporation,
WAYMO LLC,
a foreign limited liability company, and
CBRE, INC.,
a foreign corporation,

Defendants.

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SECOND AMENDED COMPLAINT

NOW COME the Plaintiffs, MADELYN ASISI-NAMINI and BORSU ASISI-NAMINI, by and through their attorneys, MALIN & KUTINSKY PC, and pursuant

MCR 2.112(K)(4) hereby files their Second Amended Complaint to add CBRE, Inc. as a party Defendant, and further states as follows:

1. That the Plaintiffs, MADELYN ASISI-NAMINI and BORSU ASISI-NAMINI, are residents of the City of Novi, County of Oakland, State of Michigan.
2. That the Defendant, HANSEN PROPERTIES, is a foreign corporation, doing business in the City of Novi, County of Oakland, State of Michigan.
3. That the Defendant, WAYMO LLC, is a foreign limited liability company, doing business in the City of Novi, County of Oakland, State of Michigan.
4. That the Defendant, CBRE, Inc., ("CBRE") is a foreign corporation, doing business in the City of Novi, County of Oakland, State of Michigan.
5. That on or about December 28, 2021, Defendant, CBRE, was responsible for maintaining and managing the property located at 46555 Magellan Drive, in the City of Novi, County of Oakland, State of Michigan.
6. That on or about December 28, 2021, Plaintiff, MADELYN ASISI-NAMINI, was lawfully on the premises owned by Defendant, HANSEN PROPERTIES, located at 46555 Magellan Drive, in the City of Novi, County of Oakland, State of Michigan, who leased the property to Defendant, WAYMO LLC.
7. That the amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars and is, therefore, within the jurisdiction of this Court.

COUNT I
PREMISES LIABILITY

8. That on the above date, Plaintiff, MADELYN ASISI-NAMINI, was lawfully upon the premises, owned and/or managed by the Defendants, HANSEN PROPERTIES, WAYMO LLC, and CBRE, located at 46555 Magellan Drive, when she was caused to slip and fall as the result of an accumulation of ice on the parking lot surface.

9. That the Defendants owed to the Plaintiff certain duties and obligations of care which Defendants violated and that violation of these duties and obligations consisted of, but were not limited to, the following:

- a. Failing to inspect the premises and thereupon remove the dangerous conditions;
- b. Failing to warn members of the public including the Plaintiff with signs or other effective means of such dangerous conditions;
- c. Failing to adequately supervise employees delegating responsibility of keeping the premises reasonable safe and fit;
- d. Failing to exercise reasonable care in hiring personnel whose duties include maintaining the premises in a reasonably safe condition;
- e. Failing to properly illuminate the premises;
- f. Failing to exercise reasonable care for Plaintiff's safety in the circumstances.

- g. Negligently, carelessly and recklessly failing to keep said premises and all common areas therein fit for the foreseeable uses;
- h. Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiff from and against the hazards arising from the defective and/or structurally unsound floor; and
- i. Negligently, carelessly and recklessly being guilty of other acts of negligence, not yet known, which will be ascertained during discovery.

10. That as a direct and proximate result of the Defendants' negligence, Plaintiff, MADELYN ASISI-NAMINI, sustained injuries including, but not limited to, her neck, back, head and arm, as well as aggravation of preexisting conditions, whether known or unknown at this time.

11. That as a further direct and proximate result of the negligence of the Defendants, the Plaintiff will suffer present and future pain and suffering, mental anguish, loss of enjoyment of life, loss of function, all of which are permanent in nature.

12. That as a further direct and proximate result of the negligence of the Defendants, the Plaintiff has incurred and will incur in the future extensive medical, surgery, hospital and doctor bills.

WHEREFORE, your Plaintiff, MADELYN ASISI-NAMINI, prays that this Honorable Court enter a judgment in her favor and against the Defendants in whatever amount to which she is found to be entitled, together with costs, interest and attorney fees.

COUNT II

CONSORTIUM CLAIM

13. That Plaintiffs hereby incorporate by reference, paragraphs 1 through 12 of Count I as if set forth fully herein.

14. That as a result of the injuries suffered to the Plaintiff, MADELYN ASISI-NAMINI, the Plaintiff, BORSU ASISI-NAMINI, suffered a loss of companionship, services and conjugal relationships formerly enjoyed with his wife and that these relationships have been permanently affected and that the Plaintiff, BORSU ASISI-NAMINI, has suffered a loss of consortium.

WHEREFORE, your Plaintiffs, MADELYN ASISI-NAMINI and BORSU ASISI-NAMINI, pray that this Honorable Court enter a judgment in their favor and against the Defendants, HANSEN PROPERTIES, WAYMO LLC, and CBRE, Inc.,

in whatever amount to which they are found to be entitled, together with costs, interest and attorney fees.

MALIN & KUTINSKY PC

/s/ Brian A. Kutinsky

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Date: 04/23/2025

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DEMAND FOR JURY TRIAL

NOW COME the Plaintiffs, MADELYN ASISI-NAMINI and BORSU ASISI-NAMINI, by and through their attorneys, MALIN & KUTINSKY PC, and hereby

demands a trial by jury of the within matters.

MALIN & KUTINSKY PC

/s/ Brian A. Kutinsky

By: _____

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